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[WHOLE NO. 93.]

## PRESIDENT'S MESSAGE.

Fellow Citizens of the Senate.

And House of Representatives:

The interest with which the people of the Republic anticipate the assembling of Congress, and the fulfillment on that occasion of the duty imposed on a new President, is one of the best evidences of their capacity to realize the hopes of the founders of a political system, at once complex and symmetrical. While the different branches of government are to a certain extent independent of each other, the duties of all alike have direct reference to the Source of Power.

Fortunately under this system, no man is so high and none so humble in the scale of public station, as to escape from the responsibility which all functionaries imply. Upon the justice and intelligence of the mass in a government thus organized, is the sole reliance of the confederacy, and the only security for honest and earnest devotion to its interests, against the usurpations and encroachments of power on the one hand, and the assaults of personal ambition on the other.

The interest of which I have spoken is inseparable from an inquiring, self-governing community, but stimulated, doubtless, at the present time by the unsettled condition of our relations with several foreign powers, by the new obligations resulting from a sudden extension of the field of enterprise, by the spirit which that field has been entered, and the amazing energy with which its resources for meeting the demands of humanity, have been developed.

Although disease, assuming at one time the characteristics of a wide spread and devastating pestilence, has left its sad trace upon some portions of our country, we have still the most abundant cause for reverent thankfulness to God for our accumulation in signal mercies showered upon us as a nation.

It is well that a consciousness of rapid advancement and increasing strength be associated with an abiding sense of dependence upon Him who holds in his hands the destiny of men and of nations. Recognizing the wisdom of the broad principles of absolute religious toleration proclaimed in our fundamental law, and rejoicing in the benign influence which it has exerted upon our social and political condition, I should shrink from a clear duty did I fail to express my deepest conviction that we can place no secure reliance upon any apparent progress, if it be not sustained by national integrity, resting upon the great truths of religion and illustrated by divine revelation. In the midst of our sorrow for the afflicted and suffering, it has been consoling to see how promptly disaster made true neighbors of the districts and cities separated widely from each other, and cheering to watch the strength of that common bond of brotherhood which unites all hearts in all parts of the Union when danger threatens from abroad, or calamity impends over us at home.

Our diplomatic relations with foreign powers have undergone no essential change since the adjournment of the last Congress. With some of them questions of a disturbing character are still pending, but there are good reasons to believe that those may all be amicably adjusted.

For some years past, Great Britain has so construed the first article of the convention of the 20th April, 1818, in regard to the fishery on the north-east coast, as to exclude our citizens from some of the fishing grounds to which they resorted for nearly a quarter of a century subsequent to the date of the treaty. The United States have never acquiesced in this construction, but have always claimed for their fishermen all the rights which they have so long enjoyed without molestation. With a view to remove all difficulty on the subject to extend the right of our fishermen beyond the limits fixed by the convention of 1818, and to regulate trade between the United States and the British North American Provinces, a negotiation has been opened with a fair prospect for a favorable result. To protect our fishermen in their rights and prevent collision between them and British fishermen, I deemed it expedient to station a naval force in that quarter during the fishing season. Embarrassing questions have also arisen between the two Governments in regard to Central America. Great Britain has proposed to settle them by an amicable agreement, and our Minister at London is instructed to enter into negotiations on the subject. A Commissioner for adjusting the claims of our citizens against Great Britain and those of British subjects against the United States, organized under the Convention of the 8th of February last, is now sitting in London for the transaction of business. It is in many respects desirable that the boundary between the U. States and the British Provinces in the north-east as designated in the Convention of the 15th June 1846, and especially that part which separated the territory of Washington from the British possessions on the north, should be traced and marked, I therefore present the subject to your notice.

With France our relations continue on the most friendly footing. The commercial relations between the United States and that country might, it is conceived, be relieved of some unnecessary restrictions to the mutual advantage of both parties. With a view to this object some progress has been made in negotiating a treaty of commerce and navigation.

Independently of our trade with Spain we have important political relations with her growing out of our neighborhood to the Islands of Cuba and Porto Rico. I am happy to announce that since the last Congress no attempts have been made by unauthorized expeditions within the United States against either of these Colonies. Should any movement be manifested within our limits, all the means at my command will be rigorously executed to repress it. Several annoying occurrences have taken place at Havana or in the vicinity of the Island of Cuba, between our citizens and the Spanish authorities. Considering the proximity of that Island to our shores, lying as it does in the track of trade between some of our principal cities, and the suspicious vigilance with which foreign intercourse, particularly that with the United States, is thus guarded, a repetition of such occurrences may well be apprehended. As no diplomatic intercourse is allowed between our Consul at Havana and the Captain General of Cuba, ready explanations cannot be made, or prompt redress afforded, where injury has resulted. All complaints on the part of our citizens under the present arrangement, must be in the first place presented to this Government, and then referred to Spain. Spain again refers it to her local authorities in Cuba, for investigation, and postpones an answer until she has heard from those authorities. To avoid this irritating and vexatious delay, a proposition has been made to provide for a direct appeal for redress to the Captain General by our Consul in behalf of our injured fellow-citizens. Heretofore the Government of Spain has declined to enter into any such arrangement. This course on her part is deeply regretted. For without some arrangement of this kind, the good understanding between the two countries may be exposed to occasional interruption. Our Minister at Madrid is instructed to renew the proposition, and to press it again upon the consideration of her Catholic Majesty.

For several years Spain has been calling the attention of this Government to a claim for losses by some of her subjects in the case of the schooner *Armistead*. This claim is believed to rest on the obligation imposed by our existing treaty with that country. Its justice was admitted in our diplomatic correspondence with the Spanish Government as early as March, 1847, and one of my predecessors in his annual message of that year, recommended that provision should be made for its payment. In January last, it was again submitted to Congress by the Executive. It has received a favorable consideration by committees of both branches of Congress, but as yet, there has been no final action upon it. I conceive that good faith requires its prompt adjustment, and I present it to your early and favorable consideration.

M. Kosztka, a Hungarian by birth, came to this country in 1850, and declared his intentions in due form of law, to become a citizen of the United States. After remaining here nearly two years he visited Turkey. While at Smyrna, he was forcibly seized, taken on board an Austrian brig of war, then lying in the harbor at that place, and there confined in irons, with the avowed design to take him into Austria. Our Consul at Smyrna, and Legation at Constantinople, interposed for his release, but their efforts were ineffectual. While thus imprisoned, commander Ingraham, with the United States ship of war *St. Louis*, arrived at Smyrna, and after looking into the circumstances of the case, came to the conclusion that Kosztka was entitled to the protection of this Government, and took energetic and prompt measures for his release. Under an arrangement between the agents of the United States and Austria, he was transferred to the custody of the French Consul General at Smyrna, there to remain until he should be disposed of by the mutual agreement of the Consuls of the respective Governments at that place. Pursuant to the agreement he has been released and is now on his way to the United States. The Emperor of Austria has made the conduct of our officers who took part in the transaction a subject of grave complaint. Regarding Kosztka as still his subject, and claiming the right to seize him within the limits of the Turkish Empire, he has demanded of this Government its consent to the surrender of the prisoner, a disavowal of the acts of its agents, and satisfaction for the alleged outrage. After a careful consideration of the case, I came to the conclusion that Kosztka was seized without legal authority at Smyrna, that he was wrongfully detained on board the Austrian brig of war, that at the time of his seizure he was clothed with the nationality of the United States, and that

the acts of our officers under the circumstances of the case, were justifiable, and their conduct fully approved by me; and a compliance with the several demands of the Emperor of Austria has been declined. For a more full account of this transaction, and my views in regard to it, I refer to the correspondence between the Charge D'Affaires of Austria and the Secretary of State, which is herewith transmitted.

The principles and policy therein maintained on the part of the United States, will, whenever a proper occasion occurs, be applied and enforced.

The condition of China at this time renders it probable that some important changes will occur in that vast empire, which will lead to a more unrestricted intercourse with it. The Commissioner of that country, who has been recently appointed, is instructed to avail himself of all occasions to open and extend our commercial relations not only with the Empire of China, but with other Asiatic Nations.

In 1852, an expedition was sent to Japan under the command of Commodore Perry, for the purpose of opening commercial intercourse with that Island. Intelligence has been received of his arrival there and of his having made known to the Emperor of Japan the object of his visit, but it is not yet ascertained how far the Emperor will be disposed to abandon his restrictive policy and open that populous country to a commercial intercourse with the United States. It is my earnest desire to maintain friendly intercourse with the governments upon this continent and to aid them in preserving a good understanding among themselves.

With Mexico a dispute has arisen as to the true boundary line between our territory of New Mexico and the Mexican State of Chihuahua. A former Commissioner of the United States employed in running that line, pursuant to the treaty of Guadalupe Hidalgo, made a serious mistake in determining the initial point on the Rio Grande; but in as much as his decision was clearly a departure from the directions for tracing the boundary contained in that treaty, and was not confirmed by the surveyor appointed on the part of the United States, whose concurrence was necessary to give validity to that decision, this Government is not concluded thereby; but that of Mexico takes a different view of the subject. There are other questions of considerable magnitude pending between the two Republics. Our Minister in Mexico has ample instructions to adjust them. Negotiations have been opened, but sufficient progress has not been made therein to enable me to speak of the probable result. Impressed with the importance of maintaining amicable relations with the Republic, and of yielding with liberality to all her just claims, it is reasonable to expect that an arrangement mutually satisfactory to both countries may be concluded, and a lasting friendship between them confirmed and perpetuated.

Congress having provided for a full mission to the States of Central America a Minister was sent thither in July last. As yet he has had time to visit only one of these States, Nicaragua—where he was received in the most friendly manner. It is hoped that his presence and good offices will have a benign effect in composing the dissensions which prevail among them, and in establishing still more intimate and friendly relations between each of them, and the U. States.

Considering the vast regions of this Continent, and the number of States that would be made accessible by the free navigation of the river Amazon, particular attention has been given to this subject. Brazil through whose territories it passes into the ocean, has hitherto persisted in a policy so restrictive in regard to the use of this river, as to obstruct and nearly exclude foreign commercial intercourse with the States which lie upon its tributaries and upper branches.

Our minister to that country is instructed to obtain a relaxation of that policy, and to use efforts to induce the Brazilian Government to open to common use, under proper safeguards, this great natural highway for international trade. Several of the South American States are deeply interested in this attempt to secure the free navigation of the Amazon; and it is reasonable to expect their co-operation in the measure. As the advantages of free commercial intercourse among Nations are better understood, more liberal views are generally entertained, as to the common rights of all, to the free use of those means which nature has provided for international communication. To those more liberal and enlightened views it is hoped, that Brazil will conform her policy, and remove all unnecessary restrictions upon the free use of a river, which traverses so many States and so large a part of the continent. I am happy to inform you that the republic of Paraguay and the Argentine confederation, have yielded to the liberal policy still resisted in Brazil, in regard to the navigable rivers within their respective territories.

Treaties embracing this subject among others, have been negotiated with those governments which will be submitted to the Senate at the present session.

A new branch of commerce important to the agricultural interests of the United States, has within a few years past, been opened with Peru. Notwithstanding the inexhaustible deposits of guano upon the islands of that country, considerable difficulties are experienced in obtaining the requisite supply. Measures have been taken to remove these difficulties, and to secure a more abundant importation of the article.

Unfortunately, there has been a serious collision between our citizens who have resorted to the China Islands for it, and the Peruvian authorities stationed there. Redress for the outrages committed by the latter was promptly demanded by our minister at Lima. This subject is now under consideration, and there is reason to believe that Peru is disposed to offer adequate indemnities to the aggrieved parties.

We are thus not only at peace with all foreign countries, but in regard to political affairs are exempt from any case of serious disturbance in our domestic relations.

The controversies which have agitated the country heretofore, are passing away with the causes which produced them, and the passions which they have awakened, or if any trace of them remains, it may be reasonably hoped, that it will only be perceived in the zealous rivalry of all good citizens to testify their respect for the rights of the States, their devotion to the Union, and this common determination of the States, that its institutions, its welfare, and its domestic peace shall be held alike secure under the sacredegis of the Constitution. This new league of amity, and of mutual confidence into which the people of the Republic have entered, happily affords inducement and opportunities for the adoption of a more comprehensive and unparalysed line of policy and action as to the great national interests of the country whether regarded in themselves or in connection with the powers of the civilized world.

The United States have continued gradually and steadily to expand through acquisitions of territory which, now much sooner some of them may have been questioned, are now universally seen and admitted to have been wise in policy, just in character, and beneficial to the human race in freedom, in prosperity and in happiness.

The Thirteen States have grown to be thirty-one, with relations reaching to Europe on the one side, and on the other to the distant realms of Asia. I am deeply sensible of the immense responsibilities which the present magnitude of the Republic and the diversities and multiplicities of its interests devolve upon me, the alleviation of which, so far as relates to the immediate conduct of the public business, is first in my reliance on the wisdom and patriotism of the two Houses of Congress and secondly in the directions afforded me by the principles of public policy affirmed by our Fathers of the epoch of 1798, sanctioned by long experience and confirmed anew by the overwhelming voice of the people of the United States. Recurring to these principles which constitute the organized basis of union, we presume that vast as are the functions and the duties of the Federal Government vested in or entrusted to its three great departments, the Legislative, Executive and Judicial, yet the substantive power—the popular voice—and the larger capacities of social and material developments exist in the respective States, which all being of themselves well constituted republics, as they produced so they alone are capable of maintaining and perpetuating the American Union. The Federal Government has its appropriate line of action in the specific and limited powers conferred on it by the constitution, chiefly as to those things in which the States have a common interest, in their relations to one another and to foreign governments, while the great mass of interests which belong to cultivated men, the ordinary business of life, the springs of industry, all the diversified personal and domestic affairs of society rest securely upon the several reserved powers of the people of the several States. There is the effective democracy of the Nation, and there is the practical consequences which flow from the nature of the Federal Government, the primary one is, the duty of administering with integrity and fidelity the high trust reposed in it by the constitution, especially in the application of the public funds as drawn by taxation from the people and appropriated to specific objects by Congress.

Happily I have no occasion to suggest any radical changes in the financial policy of the Government. Ours is almost, if not absolutely the solitary power of Christendom, having a surplus revenue drawn immediately from imports on commerce, and therefore measured by the spontaneous enterprise and national prosperity of the country, with such indirect

relation to agriculture, manufactures and the products of the earth and sea, as to violate no constitutional doctrine, and yet vigorously promote the general welfare. Neither as to the sources of the public treasury, nor as to the manner of keeping and managing it, does any grave controversy now prevail, there being a general acquiescence in the wisdom of the present system.

The report of the Secretary of the Treasury will exhibit in detail the state of the public finances, and the condition of the various branches of the public service administered by that department of the Government. The revenue of the country, levied almost insensibly to the taxpayer, goes on from year to year, increasing beyond either the interests or the prospective wants of the Government. At the close of the fiscal year ending June 30, 1852, there remained in the Treasury a balance of fourteen millions, six hundred and thirty-two thousand, one hundred and thirty-six dollars.

The public revenue for the fiscal year ending June 30th, 1853, amounted to fifty-eight millions, nine hundred and thirty-five thousand, eight hundred and sixty-five dollars, from customs, and two millions, four hundred and five thousand, seven hundred and eight dollars, from public lands and other miscellaneous sources; amounting together, to sixty-one millions, three hundred and thirty-seven thousand, five hundred and seventy-four dollars;—while the public expenditures for the same period, exclusive of payments on account of the public debt, amounted to forty-three millions, five hundred and fifty-four thousand, two hundred and sixty-two dollars; leaving a balance of thirty-two millions, four hundred and twenty-five thousand, four hundred and forty-seven dollars of receipts above expenditures.

This fact of increasing the surplus in the Treasury, became the subject of anxious consideration at a very early period of my administration; and the part of my duty in regard to it seemed to be obvious and clear, namely: first to apply the surplus revenue to the discharge of the public debt, so far as it could possibly be done, and secondly to devise means for the gradual reduction of the revenue to the standard of the public exigencies.

Of these objects, the first has been in the course of accomplishment in a manner and to a degree satisfactory. The amount of the public debt of all classes was on the fourth of March 1853, sixty-nine million, one hundred and ninety thousand and thirty-seven dollars; payments on account of which have been made since that period to the amount of twelve million, seven hundred and three thousand, three hundred and twenty-nine dollars leaving unpaid and in the continuous course of liquidation, the sum of fifty-six million, four hundred and eighty-six thousand, seven hundred and eight dollars.

These payments, although made at the market price of the respective classes of stocks, have been effected readily, and to the general advantage of the Treasury, and have at the same time proved of signal utility in the relief they have incidentally afforded to the money market, and to the industrial and commercial pursuits of the country.

The second of the above mentioned objects—that of the reduction of the tariff—is of great importance, and the plan suggested by the Secretary of the Treasury, which is to reduce the duties on certain articles, and to add to the free list many articles now taxed, and especially such as enter into manufactures, and are not largely or are not at all produced in this country, is commended to your candid and careful consideration.

You will find in the report of the Secretary of the Treasury, also, abundant proof of the entire adequacy of the present system to meet the requirements of the public service, and that while properly administered, it operates to the advantage of the community, in ordinary business relations. I respectfully ask your attention to sundry suggestions of improvements in the settlement of accounts, especially as regards the large sums of outstanding arrears due to the government, and of the reforms in the administrative action of this department, which are indicated by the Secretary, as also to the progress made in the construction of marine hospitals, custom houses and of a new mint in California, and an essay office in New York, heretofore provided for by Congress, and also to the eminently successful progress of the coast survey, and of the Light House Board.

Among the objects meriting your attention, will be important recommendations from the Secretaries of War and Navy. I am fully satisfied that the navy of the United States is not in a condition of strength and efficiency commensurate with the magnitude of our commercial and other interests, and commend to your respectful attention, the suggestions on this subject made by the Secretary of the Navy.

I respectfully submit, that the army, which under our system must always be

regarded with the highest interest, as a nucleus around which the nation may gather in the hour of danger, requires augmentation or modification, to adapt it to the present extended limits and frontier relation of the country, and the condition of the Indian tribes in the interior of the continent, the necessity of which will appear in the communications of the Secretaries of War and the Interior.

In the administration of the Post Office Department for the fiscal year ending June 30th, 1853, the gross expenditure was seven millions, nine hundred and eighty-two thousand, seven hundred and fifty-six dollars, and the gross receipts during the same period, five million, nine hundred and forty-two thousand, seven hundred and thirty-four dollars—showing that the current revenue failed to meet the current expenses of the department by the sum of two million, forty thousand and twenty-two dollars.

The causes which under the present postal system and laws, lead inevitably to this result, are fully explained by the report of the Post Master General—one great cause being the enormous rates the department has been compelled to pay for mail service rendered by Railroad Companies. The exhibit in the report of the Post Master General, of the income and expenditures by mail steamers will be found peculiarly interesting and of a character to demand the immediate action of Congress.

Numerous and flagrant frauds upon the pension bureau have been brought to light within the past year, and in some instances merited punishment inflicted; but unfortunately, in others, guilty parties have escaped, not through the want of sufficient evidence to warrant a conviction, but in consequence of the provisions of limitation in the existing laws. From the nature of these claims, the remoteness of the tribunals to pass upon them, and the mode in which the proof is of necessity furnished, temptations to crime have been greatly stimulated by the obvious difficulties of detection. The defects of the law upon this subject are so apparent, and so fatal to the ends of justice, that your early action relating to it is most desirable.

During the last fiscal year, nine millions, eight hundred and nineteen thousand four hundred and eleven acres of the public lands have been surveyed, and ten millions three hundred and sixty-three thousand eight hundred and ninety-one acres, brought into market. Within the same period, the sales by public purchase and private entry, amounting to one million eighty-three thousand four hundred and ninety-nine acres located under military bounty land warrants; six million one hundred and forty-two thousand three hundred and sixty acres located under certificates; nine thousand four hundred and twenty-seven acres ceded to the States as swamp lands; sixteen millions six hundred and eighty-four thousand two hundred and fifty-three acres selected for railroads and other objects under acts of Congress; one million four hundred and twenty-seven thousand four hundred and fifty-seven acres. Total amount of lands disposed of within the fiscal year, twenty million three hundred and forty-six thousand nine hundred and ninety-two acres which is an increase in quantity sold and located under land warrants and grants, of twelve millions two hundred and thirty-one thousand eight hundred and eighty-seven acres over the fiscal year immediately preceding. The quantity of land sold during the second and third quarters of 1852, was three hundred and thirty-four thousand four hundred and fifty-one acres. The amount received therefor was six hundred and twenty-three thousand, six hundred and eighty-seven dollars. The quantity sold the second and third quarters of the year 1853, was one million, six hundred and nine thousand, nine hundred and ninety-nine acres; and the amount received therefor, two million two hundred and twenty-six thousand, eight hundred and eighty-six dollars, the whole number of land warrants issued under existing laws prior to the 30th September last, was two hundred and sixty-six thousand and forty-two, of which there were outstanding at that date sixty-six thousand nine hundred and forty-seven. The quantity of land required to satisfy these outstanding warrants is four million seven hundred and seventy-eight thousand one hundred and twenty acres. Warrants have been issued to the 30th Sept. last under the act of 11th Feb. 1847, calling for twelve million eight hundred and seventy-nine thousand two hundred and eighty acres; under acts of September 28th 1850 and March 23d 1852, calling for twelve million five hundred and five thousand three hundred and sixty acres—making a total of twenty-five million three hundred and eighty-four thousand six hundred and forty acres.

It is believed that the experience has verified the wisdom and justice of the present system with regard to the public domain in most essential particulars.—You will perceive by report of the Secretary of the Interior, that opinions which have often been expressed in relation to the operation of the land system, as not